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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-third session

SUMMARY RECORD OF THE 1287th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 11 August 1998, at 10 a.m.

Chairman: Mr. ABOUL-NASR

CONTENTS

MEETING WITH THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY-WARNING MEASURES AND URGENT ACTION PROCEDURES (continued)

Australia

Czech Republic (continued)

Yugoslavia: the situation in Kosovo

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GE.98-17562 (E)

The meeting was called to order at 10 a.m.

MEETING WITH THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

1. Mrs. ROBINSON (United Nations High Commissioner for Human Rights) said she welcomed the opportunity to meet the Committee once again and engage in an informal dialogue with its members. She invited the Committee members to raise any issues of particular concern to them at the current session.

2. Ms. McDOUGALL said that on the previous day she had attended a meeting held with representatives of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to review the mechanisms of the Commission on Human Rights, while other Committee members had met representatives of the Office of the High Commissioner's Internal Task Force to discuss a similar review of mechanisms, but one which included the human rights treaty monitoring bodies. She wondered what the High Commissioner's preliminary views were on the review process with respect to the treaty bodies and how to ensure better coordination between them with the different mechanisms of the Commission on Human Rights.

3. Mrs. ROBINSON (United Nations High Commissioner for Human Rights) said that she had decided to establish an Internal Task Force on Human Rights Mechanisms, recognizing as she did the need to promote greater efficiency among the treaty bodies. She welcomed the review process set in motion by the Commission on Human Rights and also the proposed academic study on the treaty bodies, to be funded by the Ford Foundation, which was expected to be under way by early October 1998. The fact that the review of the Commission on Human Rights, the academic study and research into resourcing were being undertaken concurrently presented an ideal opportunity for enhanced coordination between the various human rights mechanisms, with the support of the Task Force.

4. The Task Force would be addressing a number of problems currently facing the treaty bodies. She was acutely aware of the need for greater resources and support so that the treaty bodies could discharge their duties properly. She was in favour of an overall Plan of Action for the treaty bodies as suggested by the ninth meeting of persons chairing the human rights treaty bodies. Moreover, she was currently cooperating with the Secretary-General with a view to providing for additional resources for the treaty bodies in the budget of the next biennium. The support of the human rights segment of the Economic and Social Council had already been secured and efforts along those lines would be pursued through the normal channels.

5. Mr. GARVALOV said that he was greatly encouraged by the High Commissioner's remarks and her efforts to improve the efficiency of the treaty bodies and establish greater coordination among them. In that connection, he drew attention to the joint study being conducted by the Committee and the Sub-Commission on article 7 of the Convention, for use by the Committee, the Sub-Commission and the forthcoming World Conference against Racism and Racial Discrimination, Xenophobia and Related Intolerance.

6. In Commission on Human Rights resolution 1998/26, the Committee was invited to play an active role in the preparatory process, the establishment of objectives and the preparation of studies for the World Conference. A contact group had been set up within the Committee for that purpose. Since individual Committee members had the necessary expertise to prepare studies on topics to be considered at the Conference, it might be preferable, for the success of the Conference, to draw on their expertise rather than to enlist the services of outside experts.

7. Mrs. ROBINSON (United Nations High Commissioner for Human Rights) said that the joint study, whose progress was being followed closely by the inter-branch Racism Project Team set up in the Office of the High Commissioner, was a good example of cooperation with another human rights body. The Committee indeed had an important role to play in preparations for the World Conference. She welcomed the establishment of the contact group and hoped that the Committee, in view of its considerable expertise, would follow up the invitation by the Commission on Human Rights to submit studies on possible topics to be addressed at the World Conference.

8. Mr. SHERIFIS said he would be interested to hear the High Commissioner's views on the Committee's request to hold sessions at United Nations Headquarters in New York. Did she have any objections to such a request, particularly since it appeared that the financial implications would not be too substantial?

9. The Committee would welcome the High Commissioner's assistance in achieving its goal of universal ratification of the Convention. The Committee had no means of conveying that message to those States parties that had signed but not yet ratified the instrument and wondered whether there was any possibility of cooperating with the Department of Public Information (DPI) in that regard.

10. The CHAIRMAN said that the Committee's wish to meet at United Nations Headquarters in New York was consistent with article 10.4 of the Convention. Moreover, there were a number of practical reasons underlying its request such as the fact that not all African countries were officially represented in Geneva and access to information on certain matters, including those covered by article 15, was more readily available in New York.

11. Mrs. ROBINSON (United Nations High Commissioner for Human Rights) said she had no objection to the Committee holding its spring session every second year in New York, recalling the very sound arguments advanced by the Committee at its fifty-second session, not least the absence of formal representation of smaller States parties in Geneva. However, although the Office of the High Commissioner had provided some cost estimates for holding sessions at a different venue, the final decision on the matter lay with the General Assembly.

12. She agreed on the importance of accelerating the process of universal ratification of the Convention, particularly since 1998 marked the quinquennial review of the Vienna Declaration and Programme of Action. There was now greater transparency with regard to human rights issues among Member States and one of her responsibilities as High Commissioner was to encourage

States to ratify and withdraw reservations from treaties such as the Convention and to comply with their reporting obligations thereunder. It would be most gratifying if significant progress towards the universal ratification of the Convention were made before the World Conference against Racism and Racial Discrimination, Xenophobia and Related Intolerance.

13. Mr. WOLFRUM said that the case of a State party whose representatives had been unable to attend the meeting in Geneva at which its report was being considered had arisen only the previous day; such a situation might not have arisen had the venue been New York. Furthermore the Committee's tasks under article 15 of the Convention would be greatly facilitated if sessions could be held at United Nations Headquarters. He stressed that the spring session need not necessarily be held in March, but that February would also be a viable option.

14. Various initiatives had been undertaken by other United Nations bodies such as the Commission on Human Rights on race-related issues, resulting inter alia in the appointment of special rapporteurs; yet the Committee, notwithstanding its long years of experience in the field, had but limited contact with them. How did the High Commissioner intend to improve coordination between the different United Nations bodies and ensure that more joint efforts were undertaken? Furthermore, to what extent would there be cooperation between the inter-branch Racism Project Team and the Committee? He, for one, would be willing to participate in some way. Lastly, he sought further information about the proposed overall Plan of Action.

15. Mr. de GOUTTES, after requesting information concerning the financial implications of the reorganization of the Office of the High Commissioner, sought her assurances that the Committee would be given the necessary support in implementing its early-warning measures and urgent action procedures. Any information the Office of the High Commissioner might be able to furnish with regard to the situation in Kosovo, the Democratic Republic of the Congo, Rwanda and Sudan would be greatly appreciated.

16. In preparation for the World Conference against Racism cooperation with other regional and international bodies concerned was essential. Committee members had been made responsible for liaising with different bodies and organizations, but their task was proving rather difficult in the short time available at only two annual sessions. Had the Office of the High Commissioner or the Secretary-General taken any steps towards establishing liaison with such organizations in its preparations for the World Conference? The Council of Europe, which was in charge of preparations in Europe for the World Conference, would be consulting non-governmental organizations (NGOs) on topics that should be included in the agenda.

17. Mr. YUTZIS expressed concern about the effect of the review to be undertaken by the Internal Task Force on Human Rights Mechanisms on the work of the new inter-branch Racism Project Team. He stressed the need for liaison and exchange of information between the Team, the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, the Sub-Commission and the Committee, particularly during the transitional period prior to the review. A number of simple measures could be

adopted to ensure the smooth running of existing mechanisms with a view to ensuring that the World Conference, which had a very complex and broad agenda, was well prepared.

18. Mr. van BOVEN, pointing out that none of the documentation prepared for the European Year against Racism, 1997, by the European Union made any reference to the United Nations, the Committee or the Convention, even though 14 of the 15 States members of the European Union were parties to the treaty, said that it seemed to be difficult for United Nations bodies to convey information about their work to other organizations, regional and otherwise. He wondered what might be done to enhance cooperation with such organizations in general.

19. Whereas the European Union had set aside considerable resources for racism-related projects and although he was aware that resources posed a serious problem for the High Commissioner, it could not be denied that virtually no resources were made available for United Nations programmes on racial discrimination, including the Third Decade and the forthcoming World Conference. Some consideration must be given as to how to resolve the problem, perhaps through particular efforts by the wealthier nations.

20. The CHAIRMAN said that another regional organization with which cooperation should be enhanced was the Regional Commission of the Arab League. He endorsed Mr. van Boven's latter comments concerning the shortage of resources. He had been shocked to learn from the Office's own quarterly review, Human Rights, that no voluntary contributions had recently been made for programmes relating to racial discrimination.

21. Mrs. ROBINSON (United Nations High Commissioner for Human Rights) said that she would not be able to respond to all the comments made at the meeting, but they had been duly noted and would constitute part of her ongoing dialogue with the Committee.

22. Greater coordination was vital both to the work of the Internal Task Force and, more broadly, to cooperation with other regional and international organizations.

23. Action by the Office of the High Commissioner alone, however, would not suffice. It was hoped that the concomitance of the review of the Commission on Human Rights mechanisms and the academic study to be undertaken on the work of the treaty bodies would create the necessary momentum at intergovernmental and political level to secure the additional resources required. That, in a nutshell, was the purpose of the overall Plan of Action for the treaty bodies.

24. Stressing that it was for the treaty monitoring bodies themselves to decide on their individual and collective needs, she nonetheless assured them of her unreserved support in drawing attention to their need for greater resources and support in order to continue their very important work.

25. With regard to liaison with other regional organizations, including the Council of Europe, she said she would take the opportunity of her forthcoming keynote speech to that organization to stress the need for greater cooperation with the relevant United Nations bodies, particularly with respect to the

World Conference against Racism. Improved cooperation had featured high on the agenda of the third meeting between the United Nations and regional organizations, which had been attended, inter alia, by representatives of the Arab League and the Organization of African Unity.

26. As High Commissioner, she would consider how to improve cooperation with colleagues in the framework of the early-warning measures and urgent action procedures.

27. The question of resources was critical. Through the Secretary-General, she would urge an increase in the regular budget for the Office of the United Nations High Commissioner for Human Rights in the next biennium. The work of the Committee should not be dependent on extrabudgetary funding, but an increase in such funds was necessary in view of preparations for the World Conference.

28. The CHAIRMAN thanked the High Commissioner for the fruitful dialogue with the Committee which he hoped would continue in the future.

The meeting was suspended at 10.50 a.m. and resumed at 11 a.m.

PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY-WARNING MEASURES AND URGENT ACTION PROCEDURES (agenda item 3) (continued)

Australia

Draft decision (CERD/C/53/Misc.17/Rev.2)

29. Mr. van BOVEN, introducing a draft decision prepared by Mr. Banton, Mr. Wolfrum and himself (CERD/C/53/Misc.17/Rev.2), said that through the media and other sources, certain worrying developments in Australia regarding the situation of Aboriginals had come to light. The Committee's consideration of the ninth periodic report of Australia (CERD/C/223/Add.1) in 1994 had highlighted positive trends, including the decision handed down by the High Court in the Mabo case which had rejected the proposition that Australia had been terra nullius and recognized a form of native title to land for Aboriginals. It was unfortunate that since the change of Government some of the decisions and measures which the Committee had applauded in 1994 had been overturned. In view of that, it was reasonable to ask the State party to provide additional information. In the draft decision, "the Commissioner of Aborigines and Torres Strait Islanders" should be replaced by the correct title which was "the Aboriginal and Torres Strait Social Justice Commissioner".

30. The CHAIRMAN, speaking as a member of the Committee, said that it might be simpler for the Committee merely to send a letter requesting additional information. Of particular concern in Australia, however, was not just the question of Aboriginals but also the fact that right-wing political parties were pushing for legislation to curtail immigration from Asia. That was a serious matter that was not mentioned in the draft decision but should be raised when a representative of the State party appeared before the Committee in March 1999.

31. Mr. NOBEL said that the Committee could broaden the scope of the draft decision and invite the Government of Australia to submit any other information that might be relevant to its implementation of the Convention and state that it would appreciate the opportunity to discuss those issues with a representative of the State party.

32. Mr. WOLFRUM said that the situation in Australia was clearly deteriorating. It was deeply regrettable that institutions such as the post of Aboriginal and Torres Strait Social Justice Commissioner, which the Committee had praised so highly in 1994, were disappearing. Aboriginals were being marginalized, their life expectancy was about 10 years less than that of the white population and the illiteracy rate among Aboriginals was approximately five times higher.

33. The Committee needed to emphasize that the basis for the request in the draft decision was article 9 of the Convention. He agreed that the scope of the decision could be broader but it should be clear that the request was not a mere nicety, but referred to an obligation on the part of the Government of Australia to engage in dialogue with the Committee.

34. Mr. SHERIFIS said that he welcomed the draft decision which was clearly consistent with article 9, paragraph 1, of the Convention. The wording of the decision should be changed to ensure that the Committee did not pre-empt the content of the information to be provided by the Government of Australia. He suggested that, in the second paragraph, "preferably" should be inserted before "in the presence of a representative". When the representative came before the Committee, members could raise any issue that was of concern to it.

35. Mr. RECHETOV said that there was a sound basis for the Committee's decision to request additional information from a State party to the Convention and also the precedent of its request to the Czech Republic in respect of the Roma population. Regarding the text, the second sentence in the first paragraph needed to be revised and the second paragraph was unnecessary. Australia should be able to supply the information requested before January 1999. It had a mission in Geneva and should therefore have no trouble in sending a representative to meet the Committee. He suggested adding, at the end of the first sentence, "in order to be considered at its fifty-fourth session (1-19 March 1999)".

36. Mr. SHAHI supported the wording suggested by Mr. Rechetov. He had misgivings about adopting the draft decision as it stood under the agenda item on prevention of racial discrimination, including early-warning measures and urgent action procedures, for that would set a precedent. The Committee should consider whether it could deal with concerns regarding the situation in Australia when it presented its next periodic report. He also wondered whether the question of immigration in Australia was a subject for urgent action procedures. Many countries in Europe were also adopting restrictive immigration policies.

37. The CHAIRMAN said that he had raised the problem of immigration because it related specifically to Asian immigrants. However, it was true that other countries applied discriminatory immigration policies.

38. Ms. McDOUGALL said that she strongly supported the draft decision, not least because it showed that the Committee was trying to draw attention to problems earlier and earlier in the cycle of a crisis, thus issuing an early warning. The second sentence was satisfactory as it stood because the Committee had preliminary information about the situation in Australia which had given cause for concern. It was important that a representative of the State party should be invited to meet the Committee and that the Committee should state its intention to raise matters of concern at the fifty-fourth session whether a representative was present or not. The wording of the second paragraph was slightly too passive insofar as the Committee had the authority and the right to ask the State party to attend. The Committee should also inform relevant non-governmental actors, particularly in Australia, of its decision.

39. The Sub-Commission on Prevention of Discrimination and Protection of Minorities had appointed a Special Rapporteur to prepare a working paper on indigenous people and their relationship to land. It was therefore an ideal opportunity for the Committee to coordinate with the Sub-Commission.

40. Mr. de GOUTTES stressed that the Committee was competent to request additional information under article 9, paragraph 1 (b) of the Convention, which should be pointed out in the body of the text. The Committee should clearly express its concern that the Native Title Act 1993, whose enactment it had welcomed, might be amended.

41. The Committee's message to the Australian Government should refer only to amendments to the Native Title Act. If a delegation from Australia attended the next session, as requested, the Committee would be able to raise such issues as developments since the Mabo decision of 1992, which had led to the passing of the Native Title Act, the situation of Aboriginal customary law and the platform of the One Nation Party. He felt that the message should take the form of a letter rather than a formal decision, but that its tone should be firm.

42. Mr. GARVALOV said that he would prefer the communication to take the form of a decision, in which the issue of Asian immigration to Australia should be included. The draft text made it clear that the Committee was acting under article 9, paragraph 1, of the Convention. However, he felt that the issues in question were so important that they deserved to be considered in their own right, and not merely in terms of Australia's regular reporting obligations under the Convention. Paragraph 2 should be retained in its current form, since it was consistent with the draft decision asking for more information about the Roma population of the Czech Republic.

43. Mr. YUTZIS said that the Sub-Commission on Prevention of Discrimination and Protection of Minorities had wanted to send its Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance to Australia in view of the recent developments there, but the Australian Government had not agreed to the visit because it had not considered it "appropriate". The Committee should therefore use all the means available to it under its early-warning and urgent action procedures to obtain information about the situation. He felt that the message to the Australian Government should take the form of a decision, possibly with a letter as

well, which would be duly reflected in the Committee's report to the General Assembly with all the emphasis the issue deserved. He suggested that the second paragraph should be reworded along the following lines: "The Committee wishes to consider the current situation, and would therefore appreciate receipt of the relevant information by 15 January 1999 at the latest, and also wishes to consider the situation in the presence of the State party at its fifty-fourth session (1-19 March 1999)".

44. Mr. DIACONU said that the communication should take the form of a letter, rather than a decision, which was intended to convey an opinion of the Committee or some other substantive message to a State party. He felt that the expression "The Committee is concerned" in the second sentence of the draft was too emphatic.

45. He agreed that the Committee should ask for information about the regulations governing Asian immigration to Australia, for instance by adding a phrase along the following lines to the end of the first sentence: "as well as any proposed changes of regulations concerning immigration to Australia". The phrase "the current situation" in the second paragraph was too vague: there was a danger that the Australian Government would merely promise to submit full details in its next periodic report, which would cause further delay.

46. Mr. BANTON said that the main issue was that of Aboriginal land rights and amendments to the Native Title Act. The Committee would be limited in any discussion of Asian immigration to Australia by the provisions of article 1, paragraph 2, of the Convention, which stated that the Convention would not apply to any distinctions made by a State party between citizens and non-citizens. He felt that the communication should take the form of a decision, since the State party would then be less likely to postpone its response until the submission of its next periodic report. The Committee had taken similar decisions in respect of Rwanda and Burundi, for example. He agreed with the amendments proposed by Mr. Sherifis.

47. Mr. van BOVEN said that all members seemed agreed that the Committee should raise the issue of amendments to the Native Title Act with the Government of Australia. While the proposals to restrict Asian immigration were a serious issue, they should not be mentioned in the decision: it would be better to request a limited amount of information on an issue which the Committee had already discussed, in order to reduce the potential for delay. The Committee had not previously discussed the immigration issue, which should preferably be left until the consideration of Australia's next periodic report. A decision would be preferable to a letter, which would be too informal.

48. He suggested the following revisions to the draft decision, based on members' comments. The title of the Aboriginal and Torres Strait Islander Social Justice Commissioner would be corrected. The second sentence of paragraph 1 would be amended to read: "The Committee wishes to examine the

compatibility of any such changes with Australia's obligations under the International Convention on the Elimination on All Forms of Racial Discrimination". In the second paragraph, the words "current situation" would be replaced by "information".

49. The decision, as orally amended, was adopted.

50. Mr. GARVALOV pointed out that the Committee had not previously used the formulation in the second paragraph of the decision, and would have to follow that precedent in every future decision of that kind.

51. The CHAIRMAN said that the decision would be conveyed to the Permanent Mission of Australia under cover of a formal letter which would not enter into the substance of the issue.

Czech Republic (continued)

Draft decision (CERD/C/53/Misc.27)

52. Mr. BANTON, introducing a revised draft decision (CERD/C/53/Misc.27), said that it took account of members' comments, in particular the desired emphasis on article 3 of the Convention (on racial segregation and apartheid) and article 4 (c) (on racial discrimination by public authorities), to which he had added references to article 5 (d) (i) (on the right to freedom of movement and residence) and article 5 (e) (iii) (on the right to housing). For consistency with the decision which the Committee had just adopted, he suggested that the phrase "the Committee wishes to consider the current situation" should be changed to "the Committee wishes to consider the information".

53. Mr. DIACONU suggested that the phrase "certain municipalities are contemplating measures for the physical segregation ..." should be changed to "officials of certain municipalities ...". The phrase "Gypsy families" should be changed to "Roma families", since that was what the people concerned called themselves. The decision need not necessarily adopt the same wording as that used in the decision on Australia, since the current draft referred to practical measures by municipal officials, rather than legislation, as in the Australian case.

54. Mr. YUTZIS said that he was not in favour of the phrase "officials of certain municipalities", since the Committee was concerned with the acts of institutions rather than individuals.

55. Mr. RECHETOV said that the phrase "the Committee wishes to consider the information ..." implied that the Committee would consider only that information, and no other, which was surely not the case.

56. Mr. WOLFRUM suggested the wording: "... in certain municipalities, measures are contemplated for the physical segregation of some residential units housing Roma families ...".

57. The decision, with the amendments suggested by Mr. Banton and Mr. Wolfrum, was adopted.

Yugoslavia: the situation in Kosovo

58. The CHAIRMAN drew attention to the concluding observations of the Committee (CERD/C/304/Add.50) on the eleventh to fourteenth periodic reports of Yugoslavia (CERD/C/299/Add.17), which it had adopted at its fifty-second session, and to a subsequent letter of May 1998 addressed to the Chairman by the head of the delegation of Yugoslavia at that session commenting on the Committee's conclusions and recommendations. He invited members to discuss what statement the Committee should make on the issue, without entering into a debate on the issue itself.

59. Mr. SHAHI said that the situation in Kosovo had escalated into outright war since the Committee's adoption of its concluding observations in March. The Yugoslav leadership had not acted on the Committee's call for granting the highest level of autonomy for Kosovo and Metohija (concluding observations, para. 20), having done nothing to restore any elements of the autonomy of which those areas had been deprived in 1989. The situation in Kosovo was a rebellion within a sovereign State. In the past, however, the Committee had expressed its disapproval of disproportionate and indiscriminate use of force in such situations; and, indeed, in Kosovo, over 160,000 had been forced by such methods to flee the country and 60,000 more had been internally displaced. The methods being used by Yugoslavia to suppress the independence movement were in total contempt of the laws of war and therefore should be qualified as war crimes. Yet the international community which did not favour Kosovar independence, seemed tolerant of the force being used and was simply not addressing the issue. The main international concern now seemed to be to keep the conflict from spreading into Albania and Macedonia. Nothing had been done to prevent the massive human rights violations being committed.

60. Mr. NOBEL, referring to the opinion expressed in the letter from the head of the Yugoslav delegation to the Chairman that the Committee, in drafting its conclusions and recommendations, had had in mind more the prevailing international judgements and views about the Federal Republic of Yugoslavia than the Yugoslav report itself or the statements made by the members of the Yugoslav delegation, said that he agreed completely, and did not think the Committee should even be discussing the matter.

61. Mr. RECHETOV said that the situation in Kosovo was complex. The Belgrade Government was pursuing a deliberate policy of limiting the human rights of the Albanian majority there, politically and in terms of health and education. In the other camp, there were political groups in Kosovo - an area considered by the Serbs as the cradle of the nation - for whom the priority was also not human rights but rather complete independence through secession from Yugoslavia. In Geneva it was surprisingly difficult to be properly informed about developments in the region. There was no news, for example, of the military operations now under way in Macedonia as well as Kosovo, avowedly directed towards the formation of a Greater Albania; and though they showed the same humanitarian disregard as had the much-denounced efforts to establish a Greater Serbia, nothing was being said.

62. Most of the refugees were not fleeing Kosovo for foreign countries, and in fact, those who had fled their villages were now beginning to return, and there was fortunately no indication that Serbs had been resettled there. It should be the Committee's concern to ensure that they returned in safety.

63. Any statement by the Committee should be based on humanitarian considerations: it should oppose the disproportionate use of force, and urge that all Kosovar Albanians should be allowed to return to their homes and to exercise their right to self-determination in a way that did not violate the rights of the Serbian population. The Committee's statement should not be used as a way of striking once again at President Milosević.

64. The CHAIRMAN, speaking as a member of the Committee, said that he disagreed with Mr. Rechetov's arguments. All the blame could not be put on the Kosovar Albanians, especially when one knew the history of the region from the time of President Tito up to the restrictions imposed by the war criminal now at the helm of the Federal Republic of Yugoslavia. Abundant information was available from many quarters, enabling all members to form their opinions, but in any case the Committee should not embark on such a discussion.

65. It should focus on certain points on which there was consensus: the need to bring about an end to the bloodshed and an immediate peaceful solution of the conflict, the return of displaced persons, observance of the human rights of the Kosovar Albanians and an end to discrimination against them. It should reiterate its respect for the territorial integrity of Yugoslavia but also uphold the right of the country's Albanian minority to a degree of autonomy and to freedom of expression.

66. Speaking as Chairman, he suggested that a working group should be appointed to draft a decision for consideration by the Committee.

67. Mr. DIACONU said that, in the past, newspaper reports had been used to undermine the work of working groups on the Kosovo issue. It was important to take account of some 10 decisions from May on taken by the European Union, the Council of Europe, the Central European Initiative (CEI) and other European bodies, all of which were familiar with the situation.

68. The CHAIRMAN underscored the fact that the Committee was not a European club.

69. Mr. WOLFRUM said that he supported the setting up of a working group because a text would help to focus the discussion. He believed the draft text should include the following humanitarian points: the return of displaced persons, the question of the disproportionate use of force, and full and equal enjoyment of human rights by all persons living in Kosovo. It should also reiterate the Committee's position, expressed in General Recommendation XXI (para. 11) that it did not encourage any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States.

70. Mr. de GOUTTES said that he believed the Committee, under its early warning and urgent action procedures, should ask the Government of Yugoslavia to send a delegation to its next session to clarify the sudden escalation of events.

71. He was in favour of the working group, but the Committee must still agree on what its goals should be, given the wide range of opinions being expressed. To Mr. Wolfrum's list he would add elements drawn from the reports of the Office of the United Nations High Commissioner for Refugees, which had spoken of a veritable humanitarian catastrophe in Kosovo. The Government's argument that all its actions were part of a struggle against terrorism must also be rebutted.

72. Mr. SHERIFIS, supporting the idea of an open-ended working group and endorsing Mr. Wolfrum's list of issues, said that the Committee should also refer to the memorandum of understanding on the normalization of education in Kosovo and Metohija (concluding observations, para. 21), an agreement that had been signed by both the President of Yugoslavia and the elected leader of the Albanian community in Kosovo. He himself had gone to Belgrade after the Committee's March session and met the delegation that had brokered the agreement: some university buildings had been returned but nothing further had been done; the Committee must encourage full compliance with the agreement.

73. Mr. SHAHI said that he supported the formation of a working group, which could refer to the records of the March session for the elements of consensus, taking into account subsequent developments. Certainly they would include the recommendation that the province be given the highest level of autonomy, which the Committee had made after a long debate on the right of self-determination and which was to be found in paragraph 20 of its concluding observations. The Committee had taken that position in line with its General Recommendation XXI.

74. Regarding Mr. Diaconu's disparagement of the media, he did not see any better source for the kind of inside information they provided.

75. The CHAIRMAN said that he took it the Committee wished to establish a working group to draft a decision on the situation in Kosovo, to be considered by the Committee the following day. He proposed that the working group should be composed of Mr. Wolfrum, Mr. Rechetov, Mr. Banton, Mr. Shahi and Mr. Garvalov, and any other member who wished to join the discussions.

76. It was so decided.

The meeting rose at 1.05 p.m.